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Empowering Communities. Advocating Solutions.

Assistant Attorney General
Environment and Natural Resources Division,
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P.O. Box 7611
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**RE: `Town of Brookhaven, New York, Civil Action No. 2:20-CV-4522, D.J.
Ref. No. 90-5-2-1-09884/1.**

October 13, 2020

Dear Assistant Attorney General

Citizens Campaign for the Environment (CCE) is a 120,000-member organization that works to protect public health and our environment. As the Executive Director of CCE and a resident of the Town of Brookhaven I am writing to applaud the recent Consent Judgement between the USEPA and Town of Brookhaven to address harmful landfill gas emissions.

This Consent Agreement seeks to enforce the Clean Air Act and address the Town's longstanding failure to properly monitor and control noxious landfill gas emissions. The agreement requires the Town to perform injunctive relief that will bring its landfill into compliance with the CAA by installing and operating systems that reduce and monitor landfill gases, including sulfur dioxide, hydrogen sulfide and methane. The settlement also requires the Town to pay a civil penalty of \$249,166.

I have worked for over a decade with community groups and Brookhaven Town residents to address the odors and air quality challenges caused by living and working next to a 276-foot-high landfill. We are very appreciative of the efforts by the EPA to improve the health and safety of Brookhaven Town residents and enforce the provisions of the Clean Air Act (CAA).

I can verify and document the extreme hardships landfill odors cause community members. Many complain of headaches, nausea and asthma attacks which coincide with odor events. Many are embarrassed to have family and friends over to their house for fear of terrible odors impeding their barbeques. Children stand at bus stops holding their noses waiting to go to school. Homeowners fear a decline in home values. Residents do not open their windows in the summer and are forced to turn on costly air conditioning instead. In addition to residents living around

the landfill, there is also Frank P. Long Intermediate School, (grades 4 and 5), one block away. Teachers, parents, and students at the school have long complained about health ailments, respiratory ailments, nausea, rashes, and headaches. Frank P. Long School's heating and cooling system is old, therefore, when the landfill has odor events, they shut the heat off because it draws the stench in from outside, but the classrooms get very cold and kids sit with hats and gloves on.

Currently, 25 community members are suing Brookhaven Town due to landfill odors. There is also a documentary entitled *Sick School*, playing on Amazon, about the unusually high cancer rates at Frank P. Long school and student illnesses.

One of the greatest challenges for community members is to obtain independent, reliable air quality data. As you are aware, the Brookhaven Landfill is permitted for 270 feet in height thereby resulting in a mountain of ash, decaying construction and demolition debris and alternative daily cover. Clearly, air quality is of concern. Odors, dust, and particulate matter has created strong community concerns and complaints for years. The community angst about the uncertainty of the air quality cannot be overstated.

Therefore, I offer the following comment to the Consent Order:

The Consent Order should mandate Brookhaven Town install a state-of-the-art real time air quality monitoring system that allows the public to readily access air quality data.

Real time air quality monitoring is used throughout the Country in such states as California and Florida. New York has a limited real time air quality system for fine particulate matter and ozone, however this does not provide needed information to communities south or east of the Brookhaven landfill and it does not test for critical contaminants of concern. Real time air quality monitoring should be a standard practice for landfills across the country but especially where landfills are located within existing communities and around schools. On Long Island, the Bay Park Sewage Treatment Plant, located in East Rockaway, installed a real time air quality monitoring system for hydrogen sulfide. The Bay Park STP managers know within minutes if hydrogen sulfide has entered the community and they dispatch staff to assess and rectify the odor event. The community has been delighted with the rapid response. The residents of Brookhaven deserve the same level of attention and consideration.

1. Air quality testing should include Volatile Organic Compounds including benzene, hydrogen sulfide, sulfur dioxide, petroleum products, bacteria, fungi, and particulate matter including fine particulate matter 2.5 microns.
2. Placement of the monitors should be on the landfill site and offsite.
3. Placement of the monitors should include a **community component** so that the impacted community can have meaningful input into the locations of the monitors, such as placing one at Frank P. Long School, Martha's Park and the local Brookhaven Fire House.

The EPA has verified the Town failed to properly monitor surface methane emissions; and continuously operate the SulfaTreat system, which reduces sulfur dioxide emissions from its flare. Some of these violations contributed to excessive sulfur dioxide in the ambient air surrounding the facility. In addition to its foul odor, sulfur dioxide can pose a danger to human,

animal, and plant health. But the community was kept in the dark about these violations. Residents could smell the problem, called the Town and the NYS Department of Environmental Conservation, but were told there were no odors or that “maintenance is being done on the leachate system”.

The veil of secrecy needs to end. Violations of the Clean Air Act that impact a community should no longer be hidden from that community. To learn of air quality violations, CCE is required to file FOIL requests and wait weeks and often months for the results.

The landfill is scheduled to close in 2024, however the site will be there and continue to be a potential source of odors for decades to come. An air monitoring system would benefit the community for decades. This is an ideal opportunity to illustrate transparency in government and that the EPA has heard the calls for help from residents. **Real time air quality monitoring data would signal to the community that the EPA respects and supports community engagement, access to the data and involvement.**

CCE would support the monetary fine in the settlement agreement being allocated to real time air monitoring technology. Real time air quality monitoring would be a substantive, meaningful and long-term community benefit.

We are hopeful that you will agree that the community deserves to know the quality of the air we are breathing, and the community concerns can no longer be ignored. Thank you for considering this important request. If you have any questions regarding this matter my office is 516-390-7150 and my cell in 631-384-1378.

Thank you,



Adrienne Esposito
Executive Director

Cc: US Senator Charles Schumer
Congressman Lee Zeldin